

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, *et al.*,

Plaintiffs,

v.

Civil Action No. 2:13-cv-193 (NGR)

GREG ABBOTT, *et al.*,

Defendants.

**UNOPPOSED MOTION FOR TEXAS NAACP/MALC PLAINTIFFS' APPLICATION
OF APPELLATE ATTORNEYS' FEES**

This matter was remanded to this Court for disposition of the issue of appellate attorneys' fees. Over the past few months, Private Plaintiffs and Defendants have spent a considerable amount of time negotiating issue and have reached agreement on the issue, and further agreed that the issue may be submitted to this Court by way of unopposed motion.

The appellate fee issue arises out of Defendants' appeal from this Court's award of attorney's fees in this case to the Private Plaintiff. On appeal, the State's sole issue was whether the Plaintiffs were the prevailing party for the purpose of an award of attorneys' fees under 42 U.S.C. § 1988(b) and 52 U.S.C. § 10310(e) on their Section 2 claim. Judge Ho, writing for the Fifth Circuit panel, summarily rejected all of the State's arguments, concluding that the Private Plaintiffs were the prevailing party and affirming in full this Court's award of fees. *Veasey v. Abbott*, 13 F.4th 362, 368–70 (5th Cir. 2021). For the reasons set forth in the brief filed by Texas RioGrande Legal Aid (ECF No. 1274-1), upon which Texas NAACP/MALC Plaintiffs rely, Texas NAACP/MALC are prevailing parties on that appeal and entitled to an award of appellate attorneys' fees.

The parties entered into good faith negotiations to resolve the appellate fee award, and Defendants do not oppose the following total amounts to be awarded attorneys for Texas NAACP/MALC:

| Organization Name | | Total Amount |
|--------------------------|--|---------------------|
| Lawyers' Committee | | \$84,292.50 |
| Dechert LLP | | \$15,627.50 |
| Brennan Center | | \$18,236.22 |
| Total | | \$118,156.22 |

Plaintiffs Texas NAACP/MALC further rely upon the attached Declaration of Ezra D. Rosenberg of their fee application.

Accordingly, Texas NAACP/MALC Plaintiffs request \$118,156.22 in fees related to the Fifth Circuit appeal.

Date: February 18, 2022

Respectfully submitted,

/s/ Lindsey B. Cohan _____
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Lindsey B. Cohan
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